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Hearing Date: August 10, 2022

Opposition Date: June 6, 2022

Reply Date: July 6, 2022

Attorneys for the Union Securities Defendants

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant,

Adv. Pro. No. 08-01789 (cgm)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

UNION SECURITIES INVESTMENT
TRUST CO., LTD., UNION USD GLOBAL
ARBITRAGE FUND, UNION USD GLOBAL
ARBITRAGE A FUND, and UNION
ARBITRAGE STRATEGY FUND,

Defendants.

Adv. Pro. No. 12-01211 (CGM)

ORAL ARGUMENT REQUESTED

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon Defendants Union USD Global Arbitrage Fund (“Union Global Fund”), Union USD Global Arbitrage A Fund (“Union Global A Fund”), Union Arbitrage Strategy Fund (“Union Strategy Fund”, and collectively, the “Funds”), and Union Securities Investment Trust Co., Ltd.’s (“USITC,” and together with the Funds, the “Union Securities Defendants”) Memorandum of Law in Support of their Motion to Dismiss, the accompanying Declaration of Michael T. Driscoll, dated April 4, 2022, and the exhibits thereto, and all prior pleadings and proceedings herein, the Union Securities Defendants hereby move this Court pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), as made applicable by Rule 7012 of the Federal Rules of Bankruptcy Procedure, for an order dismissing the Complaint, dated March 23, 2012 [Dk. No. 1] in the above-captioned adversary proceeding filed by plaintiff Irving H. Picard, Trustee (the “Trustee”) for the Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order in this proceeding entered January 5, 2022 [Dk. No. 21013], the Trustee shall respond to this motion by June 6, 2022. If the Trustee responds to the motion, the Union Securities Defendant shall file their reply by July 6, 2022.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, the Union Securities Defendants do not consent to the entry of final orders or judgment by this Court.

Dated: New York, New York
April 4, 2022

By: /s/ Michael T. Driscoll

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